

# Planning Report

Thursday, February 5, 2015

**Thomas Kohler PCD, Subarea E, Emerald Town Center – Elli Nail Spa  
5681 Woerner Temple Road**

## Case Summary

Agenda Item	1
Case Number	14-115AFDP/CU
Proposal:	Proposal for a 1,480-square-foot tenant space to be used as a nail salon.
Request:	<ol style="list-style-type: none"><li>1. A minor modification to the development text to permit personal services as a conditional use within an existing shopping center.</li><li>2. Review and approval of an amended final development plan under the provisions of Code Section 153.050.</li><li>3. Review and approval of a conditional use under the provisions of Zoning Code Section 153.236.</li></ol>
Site Location	5681 Woerner Temple Road. Southeast corner of the intersection of Emerald Parkway and Woerner-Temple Road.
Applicant	Lisa Tebbetts, Continental Realty for Elli Nail Spa, LLC.
Case Manager	Claudia Husak, AICP, Planner II   (614) 410-4675   <a href="mailto:chusak@dublin.oh.us">chusak@dublin.oh.us</a>
Planning Recommendation	<p><u>Approval of Minor Text Modification</u></p> <p>In Planning's analysis, this text modification is minor in nature and Planning recommends approval of a minor text modification, as the proposed use is compatible with existing uses in the shopping center area.</p>

### Proposed Modification

*To modify the development text to include a provision to allow personal services as a conditional use for Subarea E of the Thomas Kohler Planned Commerce District.*

### Approval of Amended Final Development Plan

No changes to the site or the building are proposed, and in Planning's analysis, the review criteria for the amended final development plan, as applicable, are met with the approval of the minor development text modification. Approval of this proposal is recommended.

Approval of a Conditional Use

In Planning's analysis, this proposal complies with all applicable review criteria of a conditional use. Approval of this proposal is recommended.



## Facts

Site Area	Two parcels totaling 4.721 acres in size and containing four buildings totaling 30,493 square feet.
Zoning	PCD, Planned Commerce District, Thomas Kohler Subarea E
Surrounding Zoning and Uses	<p>North and East: Vacant land, zoned PCD, Planned Commerce District, Thomas Kohler Subarea A for office use</p> <p>South: Zoned SO, Suburban Office and Institutional District and the site contains the Dublin Main Post Office</p> <p>West: Tutor Time Daycare and the Glenwood Alzheimer Care facility, both zoned PCD, as part of Subarea D of the Thomas Kohler plan.</p>
Site Features	<ul style="list-style-type: none"> <li>Frontage: Emerald Parkway - approximately 675 feet; Woerner-Temple Road 780 feet</li> <li>Cramer Ditch along the south property line.</li> <li>No significant slope.</li> <li>Buildings <ul style="list-style-type: none"> <li><u>Building 1</u> - 5,000-square-feet, near the intersection of Woerner-Temple Road and Parkwood Drive;</li> <li><u>Building 2</u> - 3,000-square-feet, in the southwest corner of the site along Emerald Parkway;</li> <li><u>Building 3</u> - 9,337 square feet, interior to the site closest to Emerald Parkway;</li> <li><u>Building 4</u> (main building) - 12,953 square feet, at the intersection of Emerald Parkway and Woerner-Temple Road.</li> </ul> </li> </ul>
Case Background	<ul style="list-style-type: none"> <li>Rezoning: Approved by City Council on January 4, 1996.</li> <li>Final development plan and conditional use: gas station and car wash approved on September 4, 2003 but never constructed.</li> <li>Final development plan: Emerald Town Center development with 31,585 square feet of retail space including 1,300 square feet of patio space was approved on June 22, 2006.</li> </ul> <p>The Commission has approved several amended final development plans and conditional use applications addressing the allocation of patio spaces from the original final development plan. A minor text modification allowing a patio to encroach the building setback along Emerald Parkway to encroach by 10 feet was approved in 2013.</p>

<b>Details Minor Text Modification</b>	
Proposal	The proposal includes a modification to the conditional uses outlined for Subarea E of the Thomas Kohler PCD text. The applicant is proposing to add a provision to allow personal services as a conditional use on this site. The modification will be limited to this Subarea and therefore to this site.
Development Text	The site is within Subarea E of the Thomas-Kohler Planned Commerce District. The approved development text lists the permitted uses of the Suburban Office and Institutional District (SO) of the Zoning Code as permitted for this Subarea, in addition to other commercial uses. A nail spa is classified in the Zoning Code as a personal service and those are considered a conditional use in the SO District.
Text Modification	The applicant is proposing to modify the text to add a provision to allow personal services as a conditional use on this site, which is compatible with the surrounding uses. The text modification will be limited to this site and no changes are proposed to the building exterior or the site.

<b>Analysis Minor Text Modification</b>	
Process	Code Section 153.053(E)(2)(b)4b permits the Commission to approve a modification to the development text and Zoning Code if they determine that all of the appropriate provisions are satisfied.
Request	The requested modification is: To modify the Thomas Kohler PCD development text to include allow personal services as a conditional use in Subarea E.

<b>Recommendation Minor Text Modification</b>	
Approval	Planning supports the minor modification to the development text allowing personal services as a conditional use as it meets the review criteria and adds a supporting category of uses to this shopping center and the surrounding area.

Analysis	Amended Final Development Plan
Amended Final Development Plan	Section 153.050 of the Zoning Code identifies criteria for the review and approval for an amended final development plan. Following is an analysis by Planning based on those criteria.
1. <i>Consistency with the approved preliminary development plan.</i>	<b>Criterion met with Text Modification:</b> The applicant is requesting to add personal service as a conditional use to the development text for Subarea E of the Thomas-Kohler PCD. The standard may be met with Commission approval of the requested text modification.
2. <i>Traffic and pedestrian safety</i>	<b>Criterion met:</b> No changes to the previous approved layout are proposed.
3. <i>Adequate public services and open space</i>	<b>Criteria met:</b> No additional public services or open space is required as part of this application.
4. <i>Protection of natural features and resources</i>	Not applicable.
5. <i>Adequacy of lighting</i>	Not applicable.
6. <i>Proposed signs are consistent with approved plans</i>	Not applicable.
7. <i>Appropriate landscaping to enhance, buffer, and soften the building and site</i>	Not applicable.
8. <i>Compliant stormwater management</i>	Not applicable.
9. <i>All phases (if applicable) comply with the previous criteria.</i>	Not applicable.
10. <i>Compliance with all other laws and regulations.</i>	<b>Criterion met:</b> The proposal complies with all other known applicable local, state, and federal laws and regulations including providing handicap accessible parking throughout various portions of the site.

Recommendation	Amended Final Development Plan
Approval	In Planning's analysis, the proposal complies with the amended final development plan criteria with the approval of a minor modification to the development text. Planning recommends approval of this request.

Details	Conditional Use
Proposal	This is a proposal for a 1,479-square-foot tenant space to be used as a nail spa/beauty salon in the Emerald Town Center shopping center in Subarea E of the Thomas Kohler Planned Commerce District. The development text permits SO, Suburban Office uses and, with the Commission's approval of a minor development, beauty salons would be a conditional use as a personal service.
Operational Details	<ul style="list-style-type: none"> <li>• No exterior modifications to the building.</li> <li>• The business is operated Monday through Friday 10:00 AM to 8:00 PM, and Saturday 9:00 AM to 6:00 PM.</li> <li>• 12 employees at peak times.</li> </ul>
Parking	Code requires one parking space per 150 square feet of retail space and one space per 200 square feet of storage for retail shopping centers less than 100,000 square feet. This site requires and provides 203 spaces with seven ADA accessible spaces in conformance with Code, and no changes to the approved parking plan are proposed or required.

Analysis	Conditional Use
<i>Process</i>	Section 153.236 of the Zoning Code identifies criteria for the review and approval of a conditional use (full text of criteria attached). In addition, the Law Department has provided a memo with additional analysis for conditional uses, which is included in the meeting materials.
1) <i>Harmonious with the Zoning Code and/or Community Plan.</i>	<b>Criterion met:</b> This proposal is consistent with the requirements of the Zoning Code and the Community Plan.
2) <i>Complies with applicable standards.</i>	<b>Criterion met:</b> No modifications to the site or the building are proposed.
3) <i>Harmonious with existing or intended character in vicinity.</i>	<b>Criterion met:</b> The proposed use will not alter the essential character of the area and is compatible with surrounding uses.

Analysis	Conditional Use
4) <i>Will not have a hazardous or negative impact on surrounding uses.</i>	<b>Criterion met:</b> Proposed operations will not have an adverse effect on surrounding uses.
5) <i>Will provide adequate services and facilities.</i>	<b>Criterion met:</b> The salon provides personal services to area residents.
6) <i>Will not harm the economic welfare.</i>	<b>Criterion met:</b> This proposed use contributes positively to the economic climate of the city by providing a place of employment for up to 12 people and providing a convenient service to Dublin residents and corporate residents in the area.
7) <i>Create no use or characteristic that is detrimental to the surrounding uses.</i>	<b>Criterion met:</b> The use will not be detrimental to the surrounding area. The shopping center has adequate access, parking and the proposed nail spa fits with the commercial uses already established on the site.
8) <i>Vehicular circulation will not interfere with existing circulation.</i>	<b>Criterion met:</b> The site has ample parking and circulation. No additional changes are proposed.
9) <i>Not detrimental to property values in the vicinity.</i>	<b>Criterion met:</b> This proposal will not be detrimental to property values.
10) <i>Will not impede the development or improvement of surrounding properties.</i>	<b>Criterion met:</b> This proposal uses are contained on site and will not impede development or improvement to the surrounding properties.

Recommendation	Conditional Use
Approval	In Planning's analysis, the operation of the proposed use is consistent with the applicable review criteria of a conditional use. Planning recommends approval of this request.

## REVIEW CRITERIA

### MINOR DEVELOPMENT TEXT MODIFICATION

Code Section 153.053(E)(2)(b)4 b permits the Commission to approve a modification from the development text and Zoning Code if they determine that all of the following provisions are satisfied.

- (i) The Planning and Zoning Commission determines that, for this Planned District, the code compliance is not needed in order to ensure that the Planned District is consistent with the Community Plan and compatible with existing, approved, or planned adjacent development; and
- (ii) The Planning and Zoning Commission determines that the proposed modification does not significantly alter the list of permitted or conditional uses, cause an inappropriate increase in density or cause inconsistencies with the Community Plan;
- (iii) The proposed modification results in a development of equivalent or higher quality than that which could be achieved through strict application of the requirement(s);
- (iv) The principles of § 153.052(B) are achieved; and
- (v) The development, as proposed on the amended final development plan, will have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.

### AMENDED FINAL DEVELOPMENT PLAN

#### Review Criteria

In accordance with Section 153.055(B) *Plan Approval Criteria*, the Code sets out the following criteria of approval for a final development plan:

- 1) The plan conforms in all pertinent respects to the approved preliminary development plan provided, however, that the Planning and Zoning Commission may authorize plans as specified in §153.053(E)(4);
- 2) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- 3) The development has adequate public services and open spaces;
- 4) The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Code;
- 5) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;
- 6) The proposed signs, as indicated on the submitted sign plan, will be coordinated within the Planned Unit Development and with adjacent development; are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;
- 7) The landscape plan will adequately enhance the principal building and site; maintain existing trees to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate;

- 8) Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this Code and any other design criteria established by the City or any other governmental entity which may have jurisdiction over such matters;
- 9) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage; and
- 10) The Commission believes the project to be in compliance with all other local, state, and federal laws and regulations.

### **CONDITIONAL USE**

Section 153.236(C) sets out criteria for the review and approval of a Conditional Use.

- 1) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code and/or Community Plan.
- 2) The proposed use will comply with all applicable development standards, except as specifically altered in the approved conditional use.
- 3) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- 4) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
- 5) The area and proposed use(s) will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- 6) The proposed use will not be detrimental to the economic welfare of the community.
- 7) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.
- 8) Vehicular approaches to the property shall be so designed as not to create interference with traffic on surrounding public and/or private streets or roads.
- 9) The proposed use will not be detrimental to property values in the immediate vicinity.
- 10) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.